

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

| | | |
|-------------------------|---|--------------------------|
| MARY L. WHITE, |) | CIVIL ACTION NO. 00-2466 |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | |
| |) | |
| SHAYEN A. GEORGE, M.A., |) | |
| |) | |
| Defendant. |) | |

MOTION TO COMPEL

AND NOW comes Mary L. White, ("White"), by and through her attorneys, Feldstein Grinberg Stein & McKee and Stanley M. Stein, Esquire files the following Motion to Compel, as follows:

1. On August 22, 2001, Counsel for Plaintiff issued a Subpoena directed to Associates in Counseling and Child Guidance, Inc. ("ACCG") requiring ACCG to produce certain documents. A true and correct copy of this Subpoena is attached hereto as *Exhibit 1* and incorporated by reference herein.
2. On September 4, 2001, Counsel for ACCG filed a Motion and Brief in Support for Order Quashing Subpoenas for Deposition and Production of Documents. True and correct copies of the Motion and Brief in Support for Order Quashing Subpoenas for Deposition and Production of Documents are attached hereto as *Exhibit 2*.
3. On September 4, 2001, Counsel for ACCG also filed a Motion for Protective Order to prevent the discovery of financial information and confidential commercial information of ACCG. A true and correct copy of the Motion for Protective Order is attached hereto as *Exhibit 3*.

4. In addition, Counsel for ACCG filed a Motion to Intervene Pursuant to Fed. R. Civ. P. 24(b). A true and correct copy of the Motion to Intervene is attached hereto as *Exhibit 4*.

5. On September 12, 2001, a hearing was held before Magistrate Judge Robert C. Mitchell on the Motions, wherein Judge Mitchell denied ACCG's Motion for Protective Order and Motion to Quash Subpoenas, and directed that White may subpoena records covering the period with the partners had a business relationship and to the present, and directed the documents to be produced under an appropriate protective order. Further, ACCG was ordered to provide records containing proprietary information to counsel and their accountants only. A true and correct copy of the September 12, 2001 Order is attached hereto as *Exhibit 5*.

6. Thereafter, on September 26, 2001, Counsel for ACCG filed a Notice of Appeal from Judge Magistrate Mitchell's Order. A true and correct copy of the Notice of Appeal is attached hereto as *Exhibit 6*.

7. On September 27, 2001, The Honorable Donald E. Ziegler entered an Order scheduling a case management and conciliation conference for October 10, 2001. A true and correct copy of Judge Ziegler's Order is attached hereto as *Exhibit 7*.

8. On October 10, 2001, The Honorable Donald E. Ziegler entered an Order affirming the Order of the Magistrate Judge, a true and correct copy of which is attached hereto as *Exhibit 8*.

9. On August 27, 2002, Counsel for ACCG filed a Notice of Appeal with the United States Court of Appeals for the Third Circuit, a true and correct copy of which is attached hereto as *Exhibit 9*.

10. On January 7, 2005, Chief Judge Anthony J. Scirica entered an Order dismissing the Appeal of ACCG. A true and correct copy of the January 7, 2005 Order is attached hereto as *Exhibit 10*.

WHEREFORE, Plaintiff Mary L. White, respectfully requests that this Court enter an Order compelling ACCG to produce the documents as set forth in Magistrate Judge Mitchell's Orders of September 12, 2001 within five (5) days.

Respectfully submitted,

FELDSTEIN GRINBERG STEIN & McKEE

By: s/ Stanley M. Stein

Stanley M. Stein, Esquire
Attorney for Plaintiff, Mary White

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Motion to Compel was served via First Class, U.S. Mail, postage prepaid, this 27th day of October, 2005, upon the following:

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/s/ Stanley M. Stein
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